



Bureau for Private Postsecondary Education
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CITATION: ASSESSMENT OF FINE AND ORDER OF ABATEMENT

To: Total Looks Corporation Inc., dba American Institute of Massage Therapy, Owner
American Institute of Massage Therapy
1516 Brookhollow Drive, Unit C
Santa Ana, CA 92705

INSTITUTION CODE: 3005421
CITATION NUMBER: 1920295
CITATION ISSUANCE/SERVICE DATE: May 6, 2020
DUE DATE: June 5, 2020
FINE AMOUNT: \$ 7,000.00
ORDER OF ABATEMENT INCLUDED: Yes

Christina Villanueva issues this Citation: Assessment of Fine and Order of Abatement (Citation) in her official capacity as Discipline Manager of the Bureau for Private Postsecondary Education (Bureau) of the California Department of Consumer Affairs.

CITATION

A Citation is hereby issued to Total Looks Corporation Inc., dba American Institute of Massage Therapy, Owner of American Institute of Massage Therapy (Institution) located at 1516 Brookhollow Drive, Unit C, Santa Ana, CA 92705, pursuant to Business and Professions Code section 125.9; California Education Code (CEC) sections 94936 and 94932; and Title 5 of the California Code of Regulations (5, CCR) section 75020 for the violations described below.

BACKGROUND

On October 30, 2019, Bureau staffed conducted an unannounced Compliance inspection at the Institution. As a result, material violations were found related to current, graduate, and dropped/withdrawn student files.

VIOLATION(S)

#	Below you will find the California Education Code (CEC) and/or Title 5 of the California Code of Regulations (5, CCR code) section(s) of law you are charged with violating.
1.	<p>Violation: CEC Section 94910 – Minimum Requirements for School Performance Fact Sheet <i>Except as provided in subdivision (d) of Section 94909 and Section 94910.5, prior to enrollment, an institution shall provide a prospective student with a School Performance Fact Sheet containing, at a minimum, the following information, as it relates to the educational program:</i> <i>(a) Completion rates, as calculated pursuant to Article 16 (commencing with Section 94928).</i> <i>(b) Placement rates for each educational program, as calculated pursuant to Article 16 (commencing with Section 94928), if the educational program is designed to lead to, or the institution makes any</i></p>

express or implied claim related to preparing students for, a recognized career, occupation, vocation, job, or job title.

(c) License examination passage rates for programs leading to employment for which passage of a state licensing examination is required, as calculated pursuant to Article 16 (commencing with Section 94928).

(d) Salary or wage information, as calculated pursuant to Article 16 (commencing with Section 94928).

(e) If a program is too new to provide data for any of the categories listed in this subdivision, the institution shall state on its fact sheet: "This program is new. Therefore, the number of students who graduate, the number of students who are placed, or the starting salary you can earn after finishing the educational program are unknown at this time. Information regarding general salary and placement statistics may be available from government sources or from the institution, but is not equivalent to actual performance data."

(f) All of the following:

(1) A description of the manner in which the figures described in subdivisions (a) to (d), inclusive, are calculated or a statement informing the reader of where he or she may obtain a description of the manner in which the figures described in subdivisions (a) to (d), inclusive, are calculated.

(2) A statement informing the reader of where he or she may obtain from the institution a list of the employment positions determined to be within the field for which a student received education and training for the calculation of job placement rates as required by subdivision (b).

(3) A statement informing the reader of where he or she may obtain from the institution a list of the objective sources of information used to substantiate the salary disclosure as required by subdivision (d).

(g) The following statements:

(1) "This fact sheet is filed with the Bureau for Private Postsecondary Education. Regardless of any information you may have relating to completion rates, placement rates, starting salaries, or license exam passage rates, this fact sheet contains the information as calculated pursuant to state law."

(2) "Any questions a student may have regarding this fact sheet that have not been satisfactorily answered by the institution may be directed to the Bureau for Private Postsecondary Education at (address), Sacramento, CA (ZIP Code), (Internet Web site address), (telephone and fax numbers)."

(h) If the institution participates in federal financial aid programs, the most recent three-year cohort default rate reported by the United States Department of Education for the institution and the percentage of enrolled students receiving federal student loans.

(i) Data and information disclosed pursuant to subdivisions (a) to (d), inclusive, is not required to include students who satisfy the qualifications specified in subdivision (d) of Section 94909, but an institution shall disclose whether the data, information, or both provided in its fact sheet excludes students pursuant to this subdivision. An institution shall not actively use data specific to the fact sheet in its recruitment materials or other recruitment efforts of students who are not California residents and do not reside in California at the time of their enrollment."

Bureau staff reviewed student files and found that the files failed to contain a Student Performance Fact Sheet (SPFS) in compliance with section CEC section 94910. Institution staff stated that they created their own document as they felt the Bureau's SPFS was too large for students to fill out. Bureau staff informed the Institution staff that students enrolling into the school must initial, sign, and date the required SPFS regardless of how large the document is.

Order of Abatement:

The Bureau orders the Institution to submit an established policy, or procedure, of how the Institution will maintain future compliance with CEC section 94910.

	<p><u>Assessment of Fine</u> The fine for this violation is <u>\$1,000.00</u></p>
2.	<p><u>Violation:</u> 5, CCR Section 74112(e)(2) – Uniform Data – Annual Report, Performance Fact Sheet <i>“(e) Reporting periods: (2) A Performance Fact Sheet shall be current and available not later than December 1st, and shall report data for the previous two calendar years based upon the “number of students who began the program,” as defined in subdivision (d)(1) of this section and were scheduled to graduate in the reported year(s).”</i></p> <p>Bureau staff reviewed the 2016-2017 SPFS and found that the information reported on the SPFS is based on data from July 1, 2016 through June 30, 2017. The Institution failed to comply with the Bureau’s requirement of providing data that is based on a calendar year.</p> <p><u>Order of Abatement:</u> The Bureau orders the Institution to submit an established policy, or procedure, of how the Institution will maintain future compliance with CEC section 74112(e)(2).</p> <p><u>Assessment of Fine</u> The fine for this violation is <u>\$1,000.00</u></p>
3.	<p><u>Violation:</u> 5, CCR Section 74112(m)(1)(3)(4)(5)(6)(7)(8)(9) – Uniform Data – Annual Report, Performance Fact Sheet <i>“(m) Documentation supporting all data reported shall be maintained electronically by the institution for at least five years from the last time the data was included in either an Annual Report or a Performance Fact Sheet, and shall be provided to the Bureau upon request; and the data for each program shall include at a minimum: (1) the list of job classifications determined to be considered gainful employment for the educational program; (3) graduate’s place of employment and position, date employment began, date employment ended, if applicable, actual salary, hours per week, and the date employment was verified; (4) for each employer from which employment or salary information was obtained, the employer name(s) address and general phone number, the contact person at the employer and the contact’s phone number and email address, and all written communication with employer verifying student’s employment or salary; (5) for students who become self-employed, all documentation necessary to demonstrate self-employment; (6) a description of all attempts to contact each student. or employer; (7) any and all documentation used to provide data regarding license examinations and examination results; (8) for each student determined to be unavailable for graduation or unavailable for employment, the identity of the student, the type of unavailability, the dates of unavailability, and the documentation of the unavailability; and (9) the name, email address, phone number, and position or title of the institution’s representative who was primarily responsible for obtaining the students’ completion, placement, licensing, and salary and wage data, the date that the information was gathered, and copies of notes, letters or emails through which the information was requested and gathered.”</i></p>

<p>Bureau staff reviewed the 2016-2017 SPFS supporting documentation and found that the documentation did not capture all of the SPFS requirements as outlined in 5, CCR section 74112(m).</p> <p>Violation: 5, CCR Section 74112(m)(1)(5)(6)(7)(8)(9): The SPFS supporting documentation did not contain any of the specified and required data points.</p> <p>Violation: 5, CCR Section 74112(m)(3): The SPFS supporting documentation did not contain the date employment ended, if applicable, actual salary, and hours per week.</p> <p>Violation: 5, CCR Section 74112(m)(4): The SPFS supporting documentation did not contain the contact person (at the employer location), the contact person's email address, and all written communication with the employer verifying student's employment or salary.</p> <p><u>Order of Abatement:</u> The Bureau orders the Institution to submit a policy, or procedure, of how all required supporting documentation will be maintained for compliance with 5, CCR section 74112.</p> <p><u>Assessment of Fine</u> The fine for this violation is \$5,000.00</p>
<p>TOTAL ADMINISTRATIVE FINE DUE: \$7,000.00</p>

ASSESSMENT OF A FINE

In accordance with CEC section 94936; and 5, CCR sections 75020 and 75030, the Bureau hereby orders this assessment of fine in the amount of **\$7,000.00** for the violations described above. **Payment must be made, to the Bureau, within 30 days from the date of service of the Citation.**

COMPLIANCE WITH ORDER OF ABATEMENT

In accordance with the provisions of CEC section 94936 and 5, CCR section 75020 the Bureau hereby issues the order(s) of abatement described above. **Evidence of compliance with the order(s) of abatement must be submitted, to the Bureau, within 30 days from the date of service of the Citation.**

APPEAL OF CITATION

You have the right to contest this Citation through an informal conference with the Bureau; and/or through an administrative hearing in accordance with Chapter 5 (Commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

If you wish to contest this Citation, you must submit the 'Notice of Appeal of Citation – Request for Informal Conference and/or Administrative Hearing' form (enclosed) within 30 days from the date of service of the Citation. *If you do not request an informal conference and/or an administrative hearing within 30 days from the service of the Citation, you will not be able to request one at a later time.*

Unless a written request for an informal conference and/or an administrative hearing is signed by you and delivered to the Bureau by **June 5, 2020**, you will be deemed to have waived or forfeited your right to appeal this matter.

EFFECTIVE DATE OF CITATION

If you do not request an informal conference and/or an administrative hearing, this Citation shall become effective on **May 6, 2020**. Payment of the administrative fine and evidence of compliance with the order(s) of abatement shall be due by **June 5, 2020**. Your payment of the administrative fine shall not constitute an admission of the violation(s) charged.

If a hearing is requested, you will not be required to comply with this Citation until 30 days after a final order is entered against you.

Payment of the administrative fine and/or written request for appeal must be mailed to:

Gabriella Perez, Discipline Citation Program
Bureau for Private Postsecondary Education
1747 N. Market Blvd., Suite 225
Sacramento, CA 95834

Failure for an applicant or institution to abate the violation(s) listed above or to pay the administrative fine within the time allowed may result in denial of an application for an approval or renewal to operate; disciplinary action, and/or collection action. The Bureau will promptly take all appropriate action to enforce this Citation and recover the civil penalties prescribed therein or found to be due after a hearing.

CONTACT INFORMATION

If you have any questions regarding this Citation, or desire further information, please contact Gabriella Perez, Citation Analyst, at (916) 574-8969 or Gabriella.Perez@dca.ca.gov.

“Original signature on file”

“5/6/2020”

Christina Villanueva
Discipline Manager

Date

Enclosures

- Applicable Laws Violated
- Statement of Rights: Appeal Process Information Sheet
- Notice of Appeal of Citation: Request for Informal Conference and/or Administrative Hearing
- Payment of Fine – Waiver of Appeal
- Declaration of Service by Certified and First- Class Mail